

## Message Text

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PAGE 01 STATE 008484

67

ORIGIN L-02

INFO OCT-01 ARA-06 ISO-00 INT-05 COA-01 OES-03 CIAE-00

INR-07 NSAE-00 RSC-01 EB-07 /033 R

DRAFTED BY L/ARA:MTSAWYIER  
APPROVED BY L/ARA:DAGANTZ  
DEPT OF INTERIOR RSWAN(SUBS.)  
ARA/CEN/N GAGOWEN  
FISH & WILDLIFE SERVICE  
ARA/CEN DLAZAR  
ENFORCEMENT  
OES/ENP/EN JGBURKE  
----- 024335  
R 141619Z JAN 75  
FM SECSTATE WASHDC  
TO AMEMBASSY MANAGUA

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E.O. 11652: N/A

TAGS: TBIO, SENV, NU

SUBJECT: ENFORCEMENT OF WILDLIFE LAWS: SPOTTED CAT SKINS

REF: MANAGUA 4713, MANAGUA 4315, STATE 266850

1. THE FISH AND WILDLIFE SERVICE WILL SEEK THE ASSESSMENT OF A CIVIL PENALTY AGAINST PALAZIO BECAUSE, UNDER THE 1969 VERSION OF THE ENDANGERED SPECIES ACT, WHICH IS CONTROLLING, SUCH A PENALTY IS A NECESSARY CONDITION OF ANY SUBSEQUENT ACTION FOR FORFEITURE. THE SERVICE CAN ONLY CLAIM THE SKINS IN QUESTION UPON THE ADMINISTRATIVE ASSESSMENT OF A CIVIL PENALTY AGAINST THE "IMPORTER," EVEN THOUGH THE LATTER'S (OR AN INTERVENING PARTY'S) WILLINGNESS TO PAY THE FINE, ONCE ASSESSED, WOULD NOT PREVENT THE SERVICE FROM INITIATING A SEPARATE FORFEITURE PROCEEDING.

2. PALAZIO'S APPARENT MISTAKE IN TRANSSHIPPING THE GOODS  
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PAGE 02 STATE 008484

TO LOS ANGELES IS NO DEFENSE TO THE ABOVE ACTION BECAUSE

THE 1969 STATUTE IMPOSES ABSOLUTE LIABILITY UPON "IMPORTERS."

3. WE HAVE INDICATED TO INTERIOR OUR DOUBTS REGARDING THE WISDOM OF PROCEEDING IN THIS CASE, BUT IN VIEW OF IMPORTANT U.S. INTERESTS IN PROTECTING ENDANGERED SPECIES DO NOT FEEL WE COULD PROPERLY SEEK TO PREVENT ACTION. (ULTIMATE CONSIGNEE, MUELLER, IN GERMANY HAS ALLEGEDLY BEEN INVOLVED

IN VARIETY OF QUESTIONABLE IMPORTATIONS OF ENDANGERED SPECIES SKINS.) INTERIOR ASSURES US THAT STATUTE HAS BEEN APPLIED IN SIMILAR CASES IN PAST, THAT REAL INTEREST IS IN FORFEITURE, NOT FINES, AND THAT IT IS THE ESTABLISHED PRACTICE OF OTHER AGENCIES AS WELL, ADMINISTERING ENTIRELY UNRELATED STATUTES, TO TREAT GOODS IN TRANSIT AS HAVING BEEN IMPORTED INTO THE U.S. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, CONSERVATION, SPECIES PROTECTION, WILD LIFE, HIDES & SKINS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 14 JAN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Drafter:** MTSAWYIER  
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**Film Number:** D750014-0869  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
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**TAGS:** TBIO, SENV, NU, E PALAZIO & CO  
**To:** MANAGUA  
**Type:** TE  
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